

Sixth Appellate District

San Jose, California

MONDAY, OCTOBER 27, 2003

H025530 PEOPLE v. PURCELLA

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed October 27, 2003

H025947 PEOPLE v. HARWOOD

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed October 27, 2003

TUESDAY, OCTOBER 28, 2003

H024928 In re ADRIAN S.; VARA v. THE PEOPLE

H024929 In re JAMES R.; VARA v. THE PEOPLE

The judgment is reversed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)
Filed October 28, 2003

H025267 COUNTY OF SANTA CLARA, et al. v. BURGER, et al.

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)
Filed October 28, 2003

H024882 SHAHRIVAR v. AGHEVLI

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)
Filed October 28, 2003

H025264 PEOPLE v. HERNANDEZ

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed October 28, 2003

H024674 PEOPLE v. UVALLES

The judgment is modified to stay the three-year sentence for count two. The superior court is ordered to amend the abstract of judgment accordingly and to send a certified copy of the amended abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed October 28, 2003

Sixth Appellate District

San Jose, California

WEDNESDAY, OCTOBER 29, 2003

H025318, H025801 In re Q.C.; DFCS v. FRANCES L.

The orders are affirmed. (not published)
(Elia, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed October 29, 2003

H024974 In re JOEL H., et al.; DFCS v. SYLVIA M.

The order appealed from is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Bamattre-Manoukian, J.)
Filed October 29, 2003

H024852 PEOPLE v. WILLIAMS

The trial court is ordered to amend the abstract of judgment to reflect the fact that the convictions on counts 2, 5, and 6 are for battery and to reduce the one-year sentences on counts 2, 5, and 6 to six months each, to be served concurrently with the sentence on count one. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting these modifications and to furnish a copy of the amended abstract to the Department of Corrections. (not published)
(Rushing, P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed October 29, 2003

H025602 PEOPLE v. DIAZ

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Bamattre-Manoukian, J.)
Filed October 29, 2003

H025146 MARRIAGE OF DENTON AND ANDERSON

The judgment is reversed. Paragraph 10 of the court's order, finding its award to be in the nature of spousal support, is stricken. The matter is remanded to the trial court for further proceedings regarding the bonds and the parties' 401K and pension accounts, consistent with the opinions expressed herein. As to the balance of the property award, Wife has failed to demonstrate error that impugns the court's award. The parties shall bear their own costs on appeal. (not published)
(Rushing, P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed October 29, 2003

Sixth Appellate District

San Jose, California

Wednesday, October 29, 2003 (continued)

H024935 PEOPLE v. CHRISTOPHER

(Filed order modifying opinion.) Appellant's petition for rehearing is denied. There is no change in the judgment. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed October 29, 2003

THURSDAY, OCTOBER 30, 2003

H023829 PEOPLE v. JAHN

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)
Filed October 30, 2003

H025064 PEOPLE v. NEVAREZ

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Rushing, P.J., Mihara, J.)
Filed October 30, 2003

H025149 ROW v. D.P.R. CONSTRUCTION, INC.

The judgment is reversed. The trial court is directed to enter an order granting defendant's motion as to the peculiar-risk theory but denying the motion as to the retained-control theory. Each party will bear his and its own costs on appeal. (not published)

(Premo, J.; I concur: Bamattre-Manoukian, J.; Concurring opinion by Rushing, P.J.)
Filed October 30, 2003

H024736 PEOPLE v. GLORIA

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed October 30, 2003

FRIDAY, OCTOBER 31, 2003

H025085 PEOPLE v. RODGERS

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Rushing, P.J., Wunderlich, J.)
Filed October 31, 2003

Sixth Appellate District

San Jose, California

Friday, October 31, 2003 (continued)

H024686 PEOPLE v. DANG

By the Court*:

Appellant's petition for rehearing is denied.

Filed: October 31, 2003

*Before Rushing, P.J., Premo, J. and Bamattre-Manoukian, J.

H025278 PEOPLE v. DAVIS

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed October 31, 2003

H025117 PEOPLE v. MACNAMARA

The judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)

Filed October 31, 2003

H023404 PEOPLE v. GLASPER, et al.

The judgment as to Julie Glasper and Troy Edward Morgan is affirmed. The judgment as to Charles Edward Glasper is reversed, and the matter is remanded to the trial court for the limited purpose of having the trial court conduct an in camera hearing on Charles Glasper's request for discovery of the information in witness Furnare's booking records from March 16, 2001, to March 30, 2001, regarding whether Furnare was in custody on the date of the arraignment for Charles Glasper and Troy Morgan. If the court finds no discoverable information, it shall reinstate its original judgment. If the court finds relevant discoverable information in Furnare's booking records, Charles shall be given the opportunity to demonstrate that this information would have led to relevant, admissible evidence that he could have presented at trial and that he was prejudiced at trial by the absence of this evidence. If the trial court determines that Charles was prejudiced by the absence of this evidence, it shall order a new trial for him. If it determines that Charles was not prejudiced, it shall reinstate its original judgment. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed October 31, 2003